

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** May 17, 2011

**SUBJECT:** BZA #18215 – request for special exception relief under §223 to construct an addition to an existing single family dwelling at 4854 Reservoir Road, NW

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of this application pursuant to §223 to permit the construction of a two story addition requiring special exception relief as follows:

- §405, to allow a zero foot side yard (8' required);
- §2001.3, addition to a nonconforming structure (cannot extend an existing nonconformity).

OP notes that the existing property is nonconforming to § 401, Lot Area (5,000 sf required, 4,361 sf existing) and Lot Width (50' required, 30' existing).

**II. LOCATION AND SITE DESCRIPTION**

Address	4854 Reservoir Road, NW
Legal Description	Square 1387, Lot 69
Ward and ANC	3D
Lot Characteristics	Flat lot with mature landscaping and trees. Deep rear yard. Parking in the rear.
Zoning	R-1-B – detached single family dwellings
Existing Development	Semi-detached dwelling, not permitted in this zone, but grandfathered
Adjacent Properties	Attached dwelling to the east, detached dwelling to the west
Surrounding Neighborhood Character	Mix of detached, semi-detached and attached dwellings, as well as small apartments; Commercial uses on MacArthur Boulevard, to the northeast.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Jeffrey Kaplan, property owner
Proposal	Construct a two-story addition at the rear of the house for a new sun room
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats (§405 – Side Yard, §2001.3 – Addition to Nonconforming Structure)



#### IV. ZONING REQUIREMENTS

Item	Section	R-1-B	Existing	Proposed	Relief
Height	400	40' 3 stories	~20' 2 stories	no change	Conforming
Lot Area	401	5,000 sf	4,361 sf	no change	Required
Lot Width	401	50'	30'	no change	Required
Lot Occupancy	403	40% (1,744 sf)	16.5% (720 sf)	22.9% (1,000 sf)	Conforming
Rear Yard	404	25'	87'	73'	Conforming
Side Yard	405	8'	West – 10' East – 0'	no change	Requested
Nonconforming Structure	2001.3	Cannot extend existing nonconformity	Nonconforming side yard	Extend side yard	Requested

#### V. ANALYSIS

##### 223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

**223.1** *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 ... as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

A new semi-detached dwelling is not permitted in the R-1-B zone. However, OAG has previously determined that an addition to a semi-detached structure should be considered an addition to a nonconforming structure, and should not be construed as an expansion of a nonconforming use, as “residential” is permitted in this zone. OAG further determined that § 223 is the appropriate mechanism by which to evaluate the present application for an addition to a single family dwelling.

The applicant requests special exception relief under § 223 from the requirements of § 405, Side Yard, and § 2001.3, extending an existing nonconforming side yard. The existing property is also nonconforming to §401, Lot Area and Lot Width.

**223.2** *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition would not impact light or air available to adjacent properties. The new construction would be up against the party wall for the home to the east, and therefore would not create new shadow on that home or block air flow. The property to the west would also not be impacted by undue shadow or the obstruction of air. Mature trees already provide significant shade to properties in the vicinity.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The privacy of neighboring properties would not be unduly compromised. The addition would have, on the western wall, double doors on the lower level and two small windows on the upper level, an amount of glazing in keeping with the character of the subject property and other nearby homes. This property is screened from the property to the west by a fence at ground level as well as trees. The level of privacy, therefore, would be similar to the existing condition.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The addition would not visually intrude upon the character and pattern of the houses along Reservoir Road. The addition would not be highly visible from the street. The addition may be visible from the rear alley, but would not be visually dissimilar to existing development. The modest size of the addition would be secondary to the bulk of the subject house and its neighbors.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has submitted elevations, floor plans and photographs that illustrate the existing site and the proposed addition.

**223.3** *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

With the proposed addition the lot occupancy would be 22.9%.

**223.4** *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning recommends no conditions or special treatments of the addition.

## **VI. HISTORIC PRESERVATION**

The subject site is not located in an historic district.

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing, the Office of Planning has received no comments on this application from other District agencies.

## **VIII. COMMUNITY COMMENTS**

As of this writing, the Office of Planning has received no comments regarding the proposal from neighbors or from ANC 3G.

## **IX. ATTACHMENTS**

1. Vicinity Map

JS/mrj  
Matt Jesick, Project Manager

### Attachment 1 Vicinity Map

